REMARKS:

In the SPECIFICATION

Applicant has amended the specification, as suggested by Examiner, to include cross-reference to related applications, updated to include reference to Applicant's issued US Patent 6,705,404 from which this application is a divisional application.

In the DRAWINGS

Replacement formal drawings are provided herewith to replace the informal drawing currently on file. The formal drawings are those as previously provided for the parent patent 6,705,404

DOUBLE PATENTING

Applicant has enclosed a Terminal Disclaimer in compliance with 37 CFR 1.321(c) to overcome the provisional rejection based on a nonstatutory double patenting ground as the conflicting patent is commonly owned with this application. Appropriate fees for the filing of the Terminal Disclaimer are enclosed herein

Applicant believes that the timely filing of the enclosed Terminal Disclaimer renders claims 14-22 in condition for allowance.

In the CLAIMS

Applicant wishes to thank Examiner for conditional allowance of claims 17,18,21 and 22 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, Applicant has amended based claim 14 and now believes it to be in condition for allowance. Thus claims 14 – 22 should be in condition for allowance upon the timely filing of the terminal disclaimer enclosed herein.

Examiner has rejected claim 14 under 35 USC 102(b) as being anticipated by Swihart, Sr. or Peters.

Applicant has amended claim 14 to more clearly describe the relationship of the lower production port which is alternately in fluid communication with the reservoir which is isolated from the annulus and the unloading port which is in fluid communication with the isolated annulus so as to permit the charge of high pressure gas in the annulus to enter into the tubing string so as to enhance production of gas thereabove and up the tubing string.

Applicant believes that amended claim 14 clearly distinguishes over both Swihart and Peters and is in condition for allowance.

For completeness however, Applicant respectfully wishes to bring to the Examiner's attention the following:

SWIHART

Swihart teaches a valve 10 which is located in a tubing string 40 and secured therein with a packer 50 for isolating the tubing string above the valve from tubing string below the valve. The annulus 44 remains in fluid communication with the reservoir 41 and with the bottom of the tubing and thus the bottom of the valve (Fig. 1, col. 4 lines 16-23).

There is no adaptation to an isolated annulus as provided by Applicant.

Swihart has a single fluid destination (port 34), being to the tubing string above the packer. Swihart has a single fluid source (having multiple inlets 30, 32) from the tubing string below the packer all of which draw from the reservoir 41,42,45.

There are two modes of operation: OPEN position (flow through choke 32 and seat 53 and out port 34) until pressure below the valve is too low and bellows 88 closes ball valve 76; and a CLOSED position until pressure BELOW the valve is re-established to unseat the ball 76 and opening the valve again to restart the cycle.

Swihart does not provide an isolated annulus nor is there an annulus of high pressure gas, nor is the a need then for an unloading port. Thus Swihart cannot charge the annulus with a continuous flow of high pressure gas, which is then released through the unloading port aids in lifting any accumulation thereabove such as liquid within the tubing string.

Applicant does not merely open and closed flow from the reservoir, but alternates between flow form the reservoir and from an alternate source, being the high pressure gas in the a different source, the isolated and high pressure annulus.

Swihart fails to teach all of the elements in amended claim 14 and therefore Applicant believes that a continued rejection under 35 USC 102(b) is improper.

PETERS

Peters is non-analogous. There is only an in port and an out port in some safety control system where the valve remains open until a low or high pressure event at which time it closes and cannot be re-opened until manually opened for each open/closed cycle.

Regardless, there is no isolated annulus and thus no high pressure therefrom which is alternately flowed through the valve.

Further, Peters teaches a pilot operated valve 38 having a single inlet 54 and a single outlet 56. As in the case of Swihart, Peters has two modes of operation: OPEN position (flow through port 54 and out port 56) and held open by pressure against spring-biased piston 68 until pressure either pressure at 56 is cause to fall (bled off (Col.6, line 48) due to a downstream condition of pressure being too high or too low set points (Col.6, 45-53) below the valve is too low. Low pressure at 56 causes spring at piston 68 to close the slide valve 60 and seal between 54 and 56 to a CLOSED position. Re-establishing of pressure at 54 will not restore the open cycle. Manual manipulation of knob 102 us required.

Peters does not provide an isolated annulus charged with a continuous flow of high pressure gas, which when released through an unloading port (non-existent) which aids in boosting fluid downstream of the valve

Peters fails to teach all of the elements in amended claim 14 and therefore Applicant believes that a continued rejection under 35 USC 102(b) is improper.

Reconsideration and allowance of the claims 14-22 currently on file is respectfully requested.

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Sean W. Goodwin #39568
Cust No. 27522

Goodwin McKay
Suite 360,
237 – 8th Avenue S.E.
Calgary, AB T2G 5C3
Canada
Telephone: (403) 203-0107
Facsimile: (403) 203-0403